

### **REMARKS**

Applicants respectfully request entry of amendments to claims 1, 26-29, 33, 35, and 39-47. Please cancel claims 30, 31, and 34, and withdraw claims 2-25, 36, and 37, without prejudice or disclaimer. Support for the amendments can be found throughout the specification, including p. 9, ll. 1-6; p. 12, ll. 39-44, and the originally filed claims and, therefore, do not add new matter.

Applicants submit that pending claims 1, 26-29, 32, 33, 35, and 38-47 are in condition for allowance, and respectfully request that the claims as amended be entered.

### **Rejection Under 35 U.S.C. §112, Second Paragraph**

Claims 1, 27-29, and 45-47 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Applicants traverse the rejection as applied to the amended claims, including claims dependent therefrom, for the reasons given below.

The Office Action alleges that the recitation of “at least three domains configured as domain 1-GBP-domain 2” makes claims 27-29 and 40-44 unclear.

While not acquiescing to the reasoning offered in the Action, in order to expedite prosecution toward allowance, claim 1 has been amended to recite “[a]n isolated nucleic acid sequence comprising domains configured as domain 1-(GBP)<sub>n</sub>-domain 2, wherein

- i) the GBP domain comprises the amino acid sequence as set forth in SEQ ID NO:17, and
- ii)  $n$  is an integer from about 1 to 7.”

Support for this amendment can be found in original claim 1; at p. 9, ll. 1-6; and p. 12, ll. 39-44, where the GBP domain may contain 1 to 7 repeats of the amino acid sequence Met-His-Gly-Lys-Thr-Gln-Ala-Thr-Ser-Gly-Thr-Ile-Gln-Ser, and where the last repeat may have an isoleucine substituted for a threonine in the fifth position. As such, the limitations in claims 27-29 and 40-44 meet the requirements of the configuration as claimed. Therefore, the claims are not indefinite, and one of skill in the art would understand the metes and bounds of the claims.

For these reasons, Applicants respectfully request that the rejection be withdrawn.

**Rejection Under 35 U.S.C. §112, First Paragraph**

Claims 1, 26, 32-35, 38, 39, and 45-47 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking written description support. As claim 34 has been canceled, the rejection as applied to this claim is rendered moot.

Applicants traverse the rejection as applied to the amended claims, including claims dependent therefrom, for the reasons given below.

The Office Action alleges, in pertinent part, that the specification does not support the element “at least three domains configured as domain 1-GBP-domain 2.”

Regarding the configuration, while Applicants do not acquiesce to the reasoning offered in the Action, in order to expedite prosecution toward allowance, claim 1 has been amended to recite a configuration that is not a multiple of the “domain 1-GBP-domain 2” unit. As presently claimed, multiples of the GBP component of the configuration are recited, which component may be present from 1 to 7 times in the configuration. Further, this configuration finds support in the specification as filed (see, e.g., in original claim 1; at p. 9, ll. 1-6; and at p. 12, ll. 39-44), and thus, does not represent new matter.

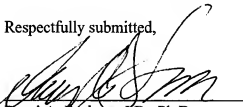
For these reasons, Applicants respectfully request that the rejection be withdrawn.

**Conclusion**

Applicants submit that pending claims 1, 26-29, 32, 33, 35, and 38-47 are in condition for allowance, or are in better condition for appeal. The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this submission.

No fee is deemed necessary with the filing of this paper. However, the Commissioner is hereby authorized to charge any fees required by this submission, or credit any overpayments, to Deposit Account No. 07-1896 referencing the above-identified docket number.

Respectfully submitted,



Date: January 30, 2008

Daryl A. Basham, J.D., Ph.D.  
Registration No. 45,869  
Telephone: (858) 677-1429  
Facsimile: (858) 677-1465

DLA Piper US LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
**USPTO Customer Number 28213**